

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 403

Being a by-law to regulate and prohibit the making or causing of noises and sounds within the Regional District of Central Okanagan

WHEREAS by Section 932 (c) of the Municipal Act and Supplementary Letters Patent, the Regional Board, may by by-law, regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the Regional District which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of any persons in the vicinity, or which in the opinion of the Regional Board are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the Regional District;

AND WHEREAS it is the opinion of the Regional Board that regulations and prohibitions must be instituted to control objectionable sounds or sounds liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled, enacts as follows:

I DEFINITIONS

1. Words defined in the "Motor Vehicle Act" being Chapter 288 of the Revised Statutes of British Columbia, 1979 and the "Municipal Act" Revised Statutes of British Columbia, Chapter 290, 1979 shall have the same meaning when used in this by-law unless defined in this by-law or unless the context otherwise requires.
2. In this by-law, unless the context otherwise requires:
 - (a) "Regional District" shall mean that part of the Regional District described in the Letters Patent, Div. XX, Noise Control, excluding therefrom the Corporation of the City of Kelowna and the Corporation of the District Municipality of Peachland but specifically including all navigable waters lying within the jurisdiction of the Regional District including, without limiting the generality of the foregoing, Okanagan Lake, Woods Lake, Duck Lake and Kalamalka Lake.
 - (b) "Regional Board" shall mean the Regional Board of the Regional District of Central Okanagan;
 - (c) "Highway" includes every highway within the meaning of the "Highway Act" being Chapter 167 of the Revised Statutes of British Columbia, 1979, and every road, street, lane, thoroughfare, bridge, public way, or right-of-way designed or intended for or used by the general public for the passage of vehicles and every private place or passage-way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited, and every boulevard and sidewalk;
 - (d) "Inspector" means the person or persons appointed from time to time by the Regional Board to enforce and administer this by-law and shall include any Peace Officer;

(e) "Peace Officer" shall have the same meaning as in the "Interpretation Act", being Chapter 206 of the Revised Statutes of British Columbia, 1979, and shall also include the person or persons who are appointed to enforce and administer this by-law;

(f) "Person" includes any company, corporation, owner, partnership, firm, association, society or party; and in the case of motorboat, includes the operator thereof;

(g) "Property" means real property and includes land, together with all improvements which have been so affixed to the land so as to make them in fact and in law a part thereof;

(h) "Motorboat" means a boat or any vehicle used on water that is powered by an engine;

II GENERAL REGULATIONS

1. No person shall make or cause, or permit to be made or caused, any noise in or on a highway or elsewhere in the Regional District which disturbs the peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity.
2. No person being the owner or occupier of real property knowingly shall allow or permit such real property to be used so that noise or sound which emanates therefrom, disturbs the peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
3. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity.
4. No persons shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest, tranquillity of the surrounding neighbourhood or the public at large.
5. No person in the Regional District shall on any day before 0700 hours or after 2200 hours construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner whatsoever which makes, causes noises or sounds in or on a highway or elsewhere in the Regional District which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
6. Where it is impossible or impractical to comply with Section 5 of this by-law, the Chief Building Inspector of the Regional District may give written approval to carry on the work that is found to be necessary at designated hours. The responsibility for obtaining written approval lies with the person carrying on the work.
7. No person shall operate any outdoor public address system in the Regional District without first having obtained a permit therefor.

8. Notwithstanding any provisions of this by-law, a person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.
9. Notwithstanding the provisions of this by-law, a person may apply for and receive from the Regional Board a permit for a special event if such special event in the Regional Board's opinion is in the public interest, in which case the requirements of this by-law may be waived.
10. Notwithstanding the other provisions of this by-law, where traditional farming practises require the operation of machinery and equipment for the production of crops, working farms are exempt from the provisions of this by-law.

III MOTORBOATS

1. No person shall launch a motorboat from any lands in the Regional District if that motorboat is equipped with an exhaust system that permits the exhaust gasss from the engine to be expelled directly into the air without first passing through water unless the motor boat is equipped with a muffling device that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
2. No person shall operate a motorboat in the Regional District if that motorboat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air without first passing through water unless the motorboat is equipped with a muffling device that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
3. No person shall operate any motorboat powered by an engine equipped with exhausting devices commonly described as dry stacks or dry headers.
4. No person shall operate a motor boat powered by an engine equipped with exhausting devices commonly described as water injected headers unless a properly operating muffler is installed thereto.
5. No person shall operate a motorboat powered by an engine equipped with exhausting devices commonly described as over-transom water cooled exhaust unless a properly operating muffler is installed thereto.
6. No person shall operate a motorboat so as to cause noise which disturbs the peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

IV PENALTIES

1. Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act which violates any offence against this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that the violation continues to exist shall constitute a separate offence.

- 2. Every person who commits an offence against this by-law is liable to a fine and penalty of not more than Five Hundred Dollars (\$500.00) and not less than Fifty Dollars (\$50.00) for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the "Offence Act", Revised Statutes of British Columbia, 1979, Chapter 305 and all amendments thereto.

V GENERAL PROVISIONS

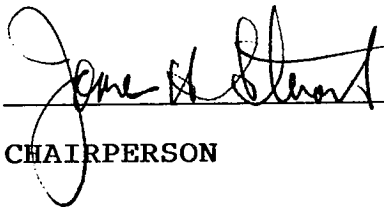
- 1. This by-law hereby repeals the Regional District of Central Okanagan Noise Control By-law No.219, 1981.
- 2. This by-law may be cited for all purposes as the Regional District of Central Okanagan Noise Control By-law No.403 , 1989.

READ A FIRST TIME THIS 6th DAY OF November, 1989.

READ A SECOND TIME THIS 6th DAY OF November, 1989.

READ A THIRD TIME THIS 6th DAY OF November, 1989.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 18th DAY OF June, 1990.



CHAIRPERSON




SECRETARY

I hereby certify the foregoing to be a true and correct copy of By-law No. 403 , cited as "Regional District of Central Okanagan Noise Control By-law No. 403, 1989, as read a third time by the Regional Board on the 6th day of November, 1989.

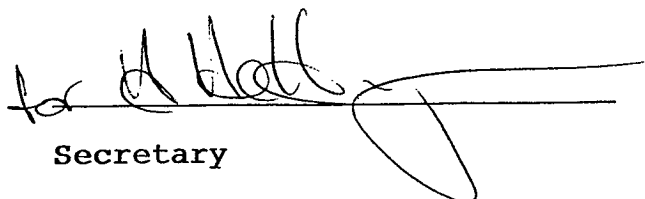
I hereby certify the foregoing to be a true and correct copy of By-law No. 403 , cited as "Regional District of Central Okanagan Noise Control By-Law No. 403 , 1989, as adopted by the Regional Board on the 18th day of June, 1990.

Dated at Kelowna, B.C. this 8th day of November 1989.

Dated at Kelowna, B.C. this 19th day of June, 1990.



Secretary



Secretary